

COMMENTS OF FRANK CONNER, PRESIDENT OF MMI,
AT JULY 25, 1990 ARKWOOD PUBLIC MEETING

Good evening, ladies and gentlemen.

My name is Frank Conner. As most of you know, I am the President of MMI.

I am here tonight to tell you and the representatives of EPA what MMI thinks about the Plan that EPA has proposed for the Arkwood site.

I want to make it clear at the outset that MMI is determined to do whatever is necessary to protect the health and environment of this community.

- MMI has cooperated fully with EPA and the State Department of Pollution Control & Ecology.

- We have hired an expert consultant, ERM-Southwest out of Houston, Texas, to collect samples and conduct extensive studies of the site.

- Those studies were designed and carried out under the direct supervision of EPA.

- We paid for a separate expert consultant to assist EPA in overseeing the work of ERM-Southwest. That consultant was

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totally independent and reported only to EPA.

•We sampled soils on and off the site. We sampled all of the springs and creeks that receive run-off from the site. We sampled every well within a 1 1/2 mile radius of the site.

•In short, we did absolutely everything that our experts suggested or that EPA requested us to do.

All of the information collected by our experts is compiled in the Remedial Investigation report. A copy of that Remedial Investigation report was placed in the schoolhouse and is here for you to look at any time you want.

Once all of the results of the Remedial Investigation were in, our expert consultant evaluated all of the possible remedy alternatives. This is called a Feasibility Study. A copy of that Feasibility Study report was also placed in the schoolhouse and is here for you to look at any time you want.

All of the work on the Feasibility Study was subject to EPA supervision and the oversight of the independent expert that we paid for to assist EPA. EPA formally approved everything in the Remedial Investigation and Feasibility Study reports. The reports said that the remedy MMI is prepared to do is acceptable.

When the draft Feasibility Study was done, we sat down and talked with EPA and representatives of the State about what should be done at the Arkwood site. At the Public Meeting in February, EPA said there was "a very small possibility" of on-site incineration. Based on what EPA was saying, we thought our recommendations for remedying the site would be accepted by EPA. Let me tell you what MMI was proposing.

First of all, no type of dioxin has ever been found in any spring or well. We knew that there had been pentachlorophenol ("penta") in two springs near the site--one in the railroad tunnel and the other just across the county road. The second one is called New Cricket Spring. Penta was discovered only once in the railroad tunnel spring during the Remedial Investigation, and since then it has been running consistently clean. However, everybody agreed that it would be a good idea to keep sampling the railroad spring.

The samples from New Cricket Spring have shown a steady decline over the eight years we have been sampling. We are still finding some penta in the samples from New Cricket Spring, but for the past several years the levels have been right around the amount that EPA has designated as safe for public drinking water, one part per million. Some of the samples are running just over that level, and others are just under it. Everybody agreed that we should keep

sampling to be sure that New Cricket Spring stays at or below the safe level.

In our discussions with EPA, we talked about the idea of treating the water from New Cricket Spring as it comes out of the cave. Everybody agrees that isn't necessary at this time because the penta levels are safe and because the nature of penta is such that it appears to break down in the stream and is not detectable in the water by the time you go a short distance downstream. We have collected samples of water and sediment at numerous spots downstream, and the levels of penta drop off sharply as you go downstream from the mouth of the cave.

The second aspect of the remedy that we discussed involved the wells in the valley down below the old plant. As I mentioned earlier, we sampled all of the wells within a 1 1/2 mile radius of the site. We've never found any of the chemicals used at the site in the well samples. We did have one positive reading for two organic compounds other than penta in the Duggans' well, but the experts now agree that reading was due to a lab or sampling error. Even with the wells consistently showing up clean, we know that you are concerned about your well water. I can understand that. To address this concern, MMI voluntarily offered to run a water line a mile and a half down the county road to the intersection of Cricket Creek, the outer radius for sampling. That way everybody

could rest assured that they had clean water. During our discussions this spring, EPA agreed that the water line would help put the community's mind at ease, and they included it in their proposed Plan.

MMI is still committed to putting in the water line. In fact, we have already started talking with the county to arrange the right-of-way. We will have to do some design work and get that approved by the State Health Department, but I have instructed Bob Barker to proceed with the design and installation of the water line as fast as he can get it done.

The third aspect of the site that we discussed with the Agency was a ditch along the railroad tracks where used treating oils had been dumped at one time. That ditch has been covered up for some time. Our samples showed that below the clean topsoil there is still some oily dirt and sludge that has relatively high levels of penta. Everybody agreed that we should dig up the railroad ditch and haul it off to a licensed hazardous waste incinerator. Everybody still agrees that incinerating that sludgy soil is a good idea.

The last aspect of the site involves the dirt where stacks of treated lumber had dripped or rainwater had washed some of the penta off the lumber onto the ground. Our sampling found

approximately 20,000 cubic yards of soil on the storage yard that have penta levels much lower than the railroad ditch I mentioned earlier but still at levels where this dirt should not remain exposed at the surface. During our discussions this spring, we thought everybody, including EPA, generally agreed that we should dig up this dirt and consolidate it on the yard and cover it with a cap that would keep it from going anywhere. Now the Agency is saying that we should build a hazardous waste incinerator on the site and burn all 20,000 cubic yards of this dirt.

LADIES AND GENTLEMEN, MMI IS FIRMLY OPPOSED TO BUILDING ANY INCINERATOR ON THE ARKWOOD SITE TO BURN THIS DIRT.

First of all, our experts tell us that MMI's proposal for remedying the site is just as effective as EPA's in protecting human health and the environment.

Second, we are concerned about the effects on the community from operating a hazardous waste incinerator at the site. This schoolhouse is just up the hillside from the old treating plant site. We all know how the valleys in this area can fill with smoke. When we learned that EPA was proposing to incinerate dirt on the Arkwood site, we hired an expert consultant, and he is telling us that there is no good reason to ignore your concern.

Third, EPA's proposal will cost millions of dollars more than MMI's plan. In our experts' opinion, the additional millions that would be spent under EPA's proposal would not provide any extra protection for human health or the environment of the Omaha community.

MMI firmly opposes on-site incineration at the Arkwood site. We are convinced that our original proposal to consolidate and cap the dirt will work and will fully protect public health and the environment. The Feasibility Study that EPA approved agreed with this.

Let's look at why EPA now says they cannot accept MMI's proposal.

First, EPA says that it cannot now accept consolidation and capping of the dirt because it is concerned about a catastrophic sinkhole opening up and allowing all of the dirt to escape. We have hired an independent consultant who is an expert in the kind of geology involved here. The expert tells us that the risk of a sinkhole opening up and swallowing 20,000 cubic yards of dirt is totally unrealistic.

EPA has also said that it cannot now accept MMI's plan because Agency policy has changed on how to deal with the family of

chemicals known as dioxins. I am sure all of you have heard news reports about the highly toxic form of dioxin like they have down at Vertac.

NONE OF OUR SAMPLES HAS EVER SHOWN THAT KIND OF DIOXIN AROUND THE ARKWOOD SITE.

Some of you may recall the public meeting here in the schoolhouse last February, when Mr. Truskowski said that EPA didn't believe there was any risk from the levels of dioxin that we had detected around the Arkwood site, because it wasn't what he called "the bad kind of dioxin." Now the Agency says its policy has changed. Now they say that all of the other kinds of dioxin must be presumed to have the same effects as what Mr. Truskowski called "the bad dioxin," but at higher concentrations.

When we learned about EPA's change of mind, we hired an expert toxicologist, Dr. Raymond Harbison, who is recognized as a national expert on risks like this, including the risks from exposure to dioxin. I asked Dr. Harbison to tell me if there is any significant risk to human health from the levels of dioxin reported in the sample results from the site. Dr. Harbison wrote me a letter answering my question. I want to read from that letter. (See attached letter.)

I asked Dr. Harbison if he could be here tonight. He was unable to attend on such short notice. If any of you want a copy of his letter, I will be happy to make it available.

If any of you are interested in talking with Dr. Harbison, MMI will arrange to make him available to answer your questions.

EPA also says that they cannot now accept our proposal for consolidating and capping the dirt because the agency has a legal obligation to select remedies that treat, destroy, or otherwise reduce the volume of wastes at a site like Arkwood. Our attorneys tell us that these legal considerations are fully satisfied by the removal and destruction of all of the sludgy soils from the railroad ditch, which we're prepared to do. We believe that consolidating and capping the remaining dirt is perfectly consistent with the legal requirements the Agency has in mind. The Feasibility Study that EPA approved said this. Furthermore, even if some greater reduction in the volume of waste is required, there are other ways to accomplish this without having to operate an incinerator on the site.

MMI BELIEVES THAT EVERY POSSIBLE ALTERNATIVE SHOULD BE FULLY EXAMINED BEFORE CONSTRUCTING AN INCINERATOR ON THE ARKWOOD SITE.

MMI has asked EPA to meet with all of our experts before the

Agency makes its final decision so that we can discuss alternatives to on-site incineration. We hope the State will also send representatives to this meeting.

I want to reiterate that MMI is fully committed to do whatever is necessary to protect the health and environment of this community.

We know there are concerns about the wells that are down the valley below the site that I mentioned earlier. Whatever else happens, we are firmly committed to getting a water line into those houses as soon as possible. We have already gotten that effort underway.

MMI is also committed to perform as soon as possible the portions of the proposed Plan that all of the experts agree are necessary. We are committed to removing the sludgy soil in the railroad ditch. We are also committed to monitoring the springs and creeks, as everybody agreed.

But we are adamantly opposed to on-site incineration. Our consultants tell us it is unnecessary, and that it would require millions of dollars of additional expense without really gaining extra protection for the environment. I believe that every possible alternative should be fully considered before the people

of Omaha are asked to have an incinerator operating for months and months only a few hundred yards down the hillside from this schoolhouse.

If you are concerned about on-site incineration and would like the Agency to look at other alternatives, I hope you will make your views known. We want to get on with the work that both EPA and we believe is necessary, and we appreciate your patience.

Thank you for listening to me.